



Application No.: 10/674,589  
Office Action dated 03/31/2006  
Amendment dated 08/31/2006

Atty. Docket No.: SK703.PT1  
Customer No.: 24943

**EXHIBIT A**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Chen Chin J. Huang	)	Examiner:	Gellner, Jeffrey L.
		)		
Serial No:	10/674,589	)	Art Unit:	3643
		)		
Filing Date:	09/29/2003	)		
		)		
For:	INSTANT TOPIARY	)	DECLARATION OF	
	FRAME APPARATUS	)	COMMERCIAL SUCCESS	
	AND METHOD OF	)		
	MANUFACTURE	)		
		)		
Attorney Docket:	SK703.PT1	)	Customer no. :	24943

**Declaration of Commercial Success**

Chen Chin J. Huang declares as follows:

1. I am the applicant in the above application. My experience is as follows:

2A In 1987 I founded an orchid cultivation business, PHAL Orchids, in Taiwan specializing in the farming and supply of orchids.

2B. From 1988 to 2002 I founded and managed South Pacific Orchid Inc., a flower and plant nursery in San Martin, California which imported Asian orchids, flowers and plants. I cultivated orchids and flowers, and supplied them to a number of U.S. companies including Home Depot and 99 Ranch Markets. In 2002, the total sales were over two million dollars. I then sold South Pacific Orchid Inc. in 2003.

2C. From about September 2003 to the present, I have founded and managed a topiary frame selling business, S.K 703 Topiary Inc. in San Martin, California.

3. Topiary frames according to the above application have been sold by my company under the trademark S.K 703. From 2004 through May 2006, topiary frames have been sold to various customers throughout the United States and elsewhere for a total sales figure of \$121,963.19. Sales have doubled every year so far from \$19608.25 in 2004 to \$58668.56 in 2005 and already at \$43686.38 in May 2006.

4. Attached as *Exhibit 1* is a copy of a page from my web site advertisement that offers the S.K 703 topiary frames.

5. Attached as *Exhibit 2* are excerpts from my brochure offering the S.K 703 topiary frames.

6. Based upon my years of experience in running businesses including 14 years in the horticulture business, I believe that the number of units sold and the total sales figure stated above indicate that my topiary frames according to the above application are commercially successful, especially given its recent introduction and its specialized application.

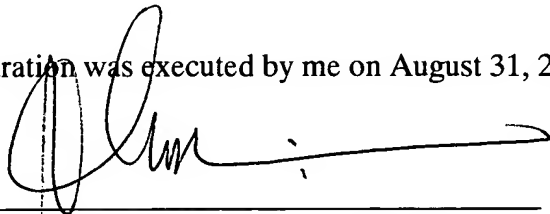
7. In addition, based on my years of experience in running businesses including 14 years in the horticulture business, and the feedback that I received from my customers and others in the field, I believe that the commercial success of the S.K Topiary Frames according to the present claims of the above patent application is due to its novel features, specifically and especially

- its ability to be used as an instant topiary frame for growing and maturely grown plants;
- its movable parts where members open up having great maneuverability; and
- its quality in sturdiness and safety in providing topiaries resulting from the smooth edge woven structure of frame filler woven about the support pieces.

These features enable customers to safely shape topiaries, decrease the amount of time in shaping topiaries, make it easier for impressive topiary making and allow customers to receive a quality product at a low price compared to other traditional products. Manufacture of the topiary frame, having a smooth edged woven structure of the filler woven about the support frame, can also be done safely and inexpensively compared to other frames which do not provide for the woven filler framework or separable members. Traditional frames having a mesh must be press fit around a structure and have the extra edges cut off. The topiary frame according to the above patent application, with the smooth woven framework about the support pieces, allows for customizing the filler structure throughout the separable members while avoiding sharp edges from being exposed. Since customers can easily, quickly and safely make topiaries using my topiary frame, it has become a popular and commercially successful item.

I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing therefrom.

This declaration was executed by me on August 31, 2006 at San Jose, California.

A handwritten signature in black ink, appearing to read 'Chen Chin J. Huang', is written over a horizontal line.

Chen Chin J. Huang, Applicant